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# United States Senate

WASHINGTON, DC 20510-3204

August 12, 2005

The Honorable Roger Nober  
Chairman  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423

Dear Mr. Nober:

I understand that the Northeast Interchange Railway LLC (NIR) is seeking to invoke the jurisdiction of the Surface Transportation Board to preempt state, county and municipal environmental and zoning regulation of a solid waste transfer station in the Village of Croton-on-Hudson, New York.

Approval of this request would be setting a dangerous precedent. A large portion of all industrial facilities in the United States have rail spurs. Many would be sorely tempted to affiliate with railroad-related entities if that meant that they could thereby avoid state and local rules that ensure that their operations are safe, environmentally sound, and compatible with local land uses.

The facts underlying NIR's application make this an especially bad case for the use of the STB's authority. NIR is seeking to continue the operation of a transfer station that the Village has been seeking to close since 2003 because of its long record of permit violations. Just last month the New York Court of Appeals ruled that the Village Board "was entitled to conclude that the history of repeated, willful violations created an unacceptable threat of future injury to health or the environment."

I urge the STB to reject NIR's attempt to avoid state and local rules through the inappropriate invocation of a federal power that was never intended for this purpose.

Sincerely yours,



Hillary Rodham Clinton